

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

BOSTONIA PRODUCE, INC.,

Plaintiff

vs.

JOSEPH SIROIS, INDIVIDUALLY
AND D/B/A JOSEPH PREMIUM PRODUCE
AND JOSEPH'S PREMIUM PRODUCE,

Defendant

Civil No. 10-CV-568JL

**MOTION TO CONTINUE HEARING AND TO EXTEND
TIME FOR PLAINTIFF TO FILE MOTION FOR DEFAULT JUDGMENT**

1. This is a collection matter.
2. The Defendants were duly served but failed to answer.
3. On or about March 23, 2011, the Court issued an order entering default calling for Plaintiff to file a Motion for Default and Affidavit by April 23, 2011 and setting a damages hearing for May 9th at 10:00 a.m.
4. These deadlines did not make it onto the calendar of Plaintiff's counsel.
5. Thought that is entirely the fault of counsel, he asks that the Court continue the damages hearing and allow Plaintiff 30 days to file the default Motion and Affidavit it should have filed by April 23, 2011.

6. Doing so would serve the interests of judicial economy as there is at least some likelihood that when the Motion and Affidavit are filed, a hearing may not be necessary.

WHEREFORE, Plaintiff requests that the Court:

- A. Continue the damages hearing currently set for May 9, 2011;
- B. Allow Plaintiff 30 days to file a Motion for Default Judgment; and
- C. Grant such other relief as is just.

BOSTONIA PRODUCE, INC.

By Its Attorneys
KAZAN, SHAUGHNESSY,
KASTEN & MCDONALD

Dated: May 6, 2011

By: /s/ Marc W. McDonald
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